

7053
DECISION



C. H. H. R. S.
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-19224:

DATE: July 19, 1978

MATTER OF: Maryland T Corporation

DIGEST:

1. Protest received by GAO more than 10 working days after receipt by protester of initial adverse agency action is untimely filed and not for consideration.
2. Untimely protest sent to address other than that set forth in section 20.1(b) is not for consideration.

Maryland T Corporation (Maryland T) protests the award of a contract under invitation for bids (IFB) No. FPOO-EK-82611-A, issued by the General Services Administration (GSA) for the acquisition of desk pads and blotters. Maryland T contends that the packing and packaging requirements of the IFB are ambiguous because they can be interpreted to have more than one meaning and requests that the IFB be cancelled and readvertised.

Maryland T initially raised this issue with GSA by letters of March 14, March 17, and March 20, 1978. GSA's response, dated March 23, 1978, addressed Maryland T's letter of March 14 and stated GSA's interpretation of the IFB requirements along with its view that no ambiguity existed and its denial of the protest. Maryland T acknowledged and responded to that denial by letter of March 30, 1978. GSA's response to Maryland T's letters of March 20 and March 30, reaffirming its denial of the protest, was acknowledged and responded to by Maryland T on April 25, 1978. GSA's final communication, dated June 5, 1978 and received by Maryland T on June 7, 1978, advised that the IFB would not be cancelled and that award of the contract had been made to the low bidder. Maryland T's protest was received in this Office on June 26, 1978.

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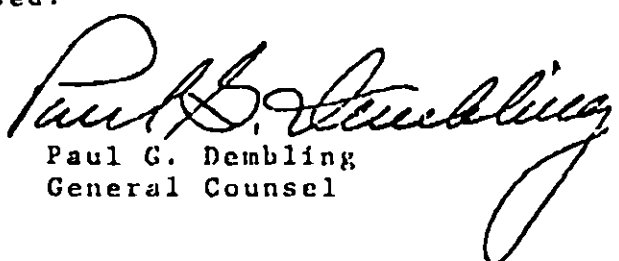
Section 20.2 of our Bid Protest Procedures,
4 C.F.R. § 20.2 (1977), states in pertinent part that:

"* * * If a protest has been filed initially with the contracting agency, any subsequent protest to the General Accounting Office filed within 10 days of * * * initial adverse agency action will be considered * * *."

Maryland T received the initial denial of its protest on March 30, 1978. The date of Maryland T's protest letter to our Office and the date of its receipt here were both more than 10 working days after March 30. While Maryland T engaged in further correspondence with GSA which resulted in a second and third denial of its protest, the initial (and controlling) adverse agency action (the original protest denial) occurred on March 30, 1978. National Flooring Company, B-188019, February 24, 1977, 77-1 CPD 138. In any event, the instant protest was filed more than 10 days after Maryland T's receipt of GSA's last communication on June 7, 1978. Freund Precision, Inc., B-190430, February 17, 1978, 78-1 CPD 141. Accordingly, the protest is untimely filed and not for consideration.

Also, it is noted that the protest was misaddressed to the Comptroller of the Currency. Section 20.2(b) (3) of our Bid Protest Procedures cautions that protests should be transmitted or delivered in the manner which will assure the earliest receipt. Delay in transmission caused by the misaddressing by the protester is not a reason for considering an untimely protest. In addition, we do not believe consideration is merited under the good cause or significant issue provision of section 20.2(c). See Johnny Ryan Company, B-185524, January 20, 1976, 76-1 CPD 35.

The protest is dismissed.


Paul G. Dembling
General Counsel